

RESOLUTION NO. R-2001- 1352

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 80- 103H.3
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-96-8 13
WHICH APPROVED THE SPECIAL EXCEPTION OF
FOUR FLORIDA SHOPPING CENTER
PETITION NO. 80-103(H)

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 80-103H.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 23, 2001; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 80-103H.3 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The special exception is not consistent with the Unified Land Development Code because it has not been reviewed for consistency with Section 6.6.E. "Architectural Guidelines" of the Unified Land Development Code.
2. With the new condition of approval requiring the project to be certified for compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, the special exception will be consistent with the Unified Land Development Code.
3. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 80-103H.3, to amend Conditions of Approval of Resolution No. R-96-813, the Special Exception of Four Florida Shopping Center, Petition No. 80-103(H), which approved a Development Order Amendment to add square footage (13,000) and allow a fast food restaurant (requested use) within a Planned Commercial Development on property legally described as follows: LOTS 2, 7, AND 8, SANDALFOOT PLAZA, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 48, PAGE 185, SAID LANDS SITUATE, LYING AND BEING

IN PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 7 TAKEN BY PALM BEACH COUNTY, FLORIDA, BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 661 1, PAGE 977, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL DESCRIBED AS FOLLOWS:

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, LYING IN SECTION 31, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, STATE OF FLORIDA, BEING A PORTION OF TRACT 7 OF THE PLAT OF SANDALFOOT PLAZA, RECORDED IN PLAT BOOK 48, PAGE 187, PUBLIC RECORDS OF SAID COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR THE PURPOSE OF THIS DESCRIPTION THE RIGHT-OF-WAY CENTERLINE OF SW 19TH STREET, ALSO KNOWN AS MARINA BOULEVARD, AS SHOWN IN THE PLAT OF SANDALFOOT COVE, SECTION ONE, RECORDED IN PLAT BOOK 28, PAGE 225, OF THE PUBLIC RECORDS OF SAID COUNTY, IS ASSUMED TO BEAR NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST, AND ALL BEARINGS RECITED HEREON ARE RELATIVE THERETO.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 01 DEGREES, 49 MINUTES, 40 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION, A DISTANCE OF 1,334.71 FEET TO THE WESTERLY PROLONGATION OF THE RIGHT-OF-WAY CENTERLINE OF SW 19TH STREET (MARINA BOULEVARD); THENCE NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST ALONG SAID WESTERLY PROLONGATION AND ALONG SAID CENTERLINE, A DISTANCE OF 446.34 FEET TO A POINT 562.91 FEET WEST OF, AS MEASURED ALONG SAID RIGHT-OF-WAY CENTERLINE, THE INTERSECTION WITH THE RIGHT-OF-WAY CENTERLINE OF SW 66TH AVENUE (EDGEWOOD PARKWAY) AS SAID AVENUE IS SHOWN IN SAID PLAT OF SANDALFOOT COVE SECTION ONE; THENCE NORTH 00 DEGREES, 54 MINUTES, 44 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF SW 19TH STREET AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST, ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 264.42 FEET, THENCE NORTH 85 DEGREES, 53 MINUTES, 10 SECONDS WEST, DEPARTING FROM SAID EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 102.67 FEET; THENCE SOUTH 89 DEGREES, 05 MINUTES, 05 SECONDS WEST, A DISTANCE OF 71.50 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 16.00 FEET AND A CENTRAL ANGLE OF 75 DEGREES, 31 MINUTES, 21 SECONDS; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 21.09 FEET TO A NON-TANGENT LINE; THENCE SOUTH 89 DEGREES, 05 MINUTES, 05 SECONDS WEST ALONG SAID NON-TANGENT LINE, A DISTANCE OF 66.00 FEET; THENCE SOUTH 00 DEGREES, 54 MINUTES, 55 SECONDS EAST, A DISTANCE OF 6.54 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 16.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES, 39 MINUTES, 30 SECONDS; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 18.05 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING A COMPUTED NET AREA OF 19.172 ACRES (835,139 SQUARE FEET), MORE OR LESS.

THE PROPOSED FAST FOOD RESTAURANT IS TO BE SITUATED ON A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS:

A PORTION OF LOT 2, SANDALFOOT PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 48, PAGES 186 AND 187 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2: THENCE ALONG THE EAST LINE OF SAID LOT 2 THE FOLLOWING THREE (3) COURSES AND DISTANCES: SOUTH 00 DEGREES, 54 MINUTES, 55 SECONDS EAST, 100.00 FEET; NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST, 20.00 FEET; SOUTH 00 DEGREES, 54 MINUTES, 55 SECONDS EAST, 31.18 FEET; THENCE SOUTH 89 DEGREES, 39 MINUTES, 28 SECONDS WEST, 241.08 FEET TO THE WEST LINE OF SAID LOT 2; THENCE NORTH 00 DEGREES, 31 MINUTES, 22 SECONDS WEST ALONG SAID WEST LINE OF LOT 2, A DISTANCE OF 129.17 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89 DEGREES, 05 MINUTES, 05 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 220.19 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 29,369 SQUARE FEET, MORE OR LESS.

PALM BEACH COUNTY PROPERTY CONTROL NUMBER: 00-42-47-30-34-000-0020, being located on the east side of SR7/US441 approx. 0.10 mile south of Sandalfoot Blvd./SW 14th Street in the CG-General Commercial Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING - Zoning)

Commissioner **McCarty** moved for approval of the Resolution.

The motion was seconded by Commissioner **Masilotti** and, upon being put to a vote, the vote was as follows:

WARREN H. NEWELL, CHAIRMAN	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Absent
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 23 day of August, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: *[Signature]*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*
DEPUTY CLERK

